

Transportation Enhancement Program

The Federal Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) offered new and exciting opportunities for states to enhance the transportation system. ISTEA provided all levels of government and the private sector the opportunity to work together to plan and develop intermodal transportation systems. Intermodal transportation systems involve various forms of transportation that are integrated and interconnected while tailored to the specific needs of particular geographic areas.

One part of the Act directed that at least 10 percent of Missouri's Surface Transportation Program (STP) funds must be allocated towards transportation enhancement activities, which go beyond the normal elements of a transportation improvement project. The Missouri Highways and Transportation Commission approved this program in July 1992. By federal law, these funds must be used for transportation enhancements and for no other purpose.

The Transportation Equity Act for the 21st Century (TEA-21) continues this tradition. Although the actual dollar amount will be dependent upon annual congressional appropriations, estimated federal funds allocated for transportation enhancements in SFY 1999 and 2000 are given in the subsequent table. Again, by federal law, these funds must be used for transportation enhancements and for no other purpose.

Estimated Federal Enhancement Funds Allocated For SFY 2000 - 2004

<u>Area</u>	<u>Funds Available</u>
Rural (Outstate)	\$3,500,000
MARC MPO	\$2,200,000
EWGCC MPO	\$5,100,000
MoDOT	<u>\$3,800,000</u>
Total	\$14,600,000

The Federal Transportation Enhancement Program offers extensive opportunities to take unique and creative actions to integrate transportation into our communities and the natural environment. Transportation enhancement activities can be stand-alone projects or implemented as part of an on-going transportation project. In either case, *the project must relate to the intermodal transportation system in terms of function, proximity, or impact*. For example, an independent bike path is a *functional* component of the intermodal transportation system. Removal of outdoor advertising within an individual's view of a highway is justified in light of its *proximity*. Retrofitting an existing highway by creating a wetland to filter runoff from the highway would qualify based on the *impact* of the highway in terms of water pollution.

Enhancement projects must be projects that are *over and above* what is considered routine construction or maintenance. By effectively using the Transportation Enhancement Program, transportation enhancement activities will increase the value or worth of a project and/or make it more aesthetically pleasing.

PROJECT ELIGIBILITY REQUIREMENTS

- Project must meet at least one of the 11 transportation enhancement fund categories, located on the following four (4) pages.
- Project must have a direct relationship to the intermodal transportation system in terms of function, proximity, or impact.
- Project *must* be open for public access in perpetuity. The property must be owned by the Project Sponsor or involve a permanent lease.
- The project sponsor must provide a match of at least 20 percent of the total project costs.
- The project sponsor *must* be a local government or public agency. If the applicant is a state or federal agency, then the state or federal agency applicant must include a resolution from the local governing councils or commissions supporting the project.
- The project must involve activities that are over and above normal transportation practice.
- The project must meet a minimum score, which is determined by the selection committee.
- The minimum project size for enhancement projects is \$25,000 in federal funding.
- Photographs are required when making application for funds. These photos will assist the selection committee in gaining a better perspective on the proposed project.
- Binders and cover sheets of any kind are not acceptable. The application, and necessary attachments, must be submitted in an 8-1/2" X 11" stapled format only.

ELIGIBLE ENHANCEMENT CATEGORIES

Eligible transportation enhancement activities must fall into one or more of the following categories as defined by federal legislation:

1. Facilities for Pedestrians and Bicycles for Transportation Purposes

This category includes providing facilities for bicycle riders and pedestrians through a new or proposed transportation project or improving existing transportation facilities beyond what is necessary for safe accommodation of bicyclists and pedestrians. The safe accommodation of pedestrians and bicyclists should be implemented during the design, development, and construction of all federal-aid transportation projects. Because Transportation Enhancement projects must relate to transportation by function, those projects that are solely recreational are **not** eligible for funding. For projects on the National Highway System, the design must be consistent with the American Association of State Highway and Transportation Officials (AASHTO) standards, and is recommended for all pedestrian and bicycle projects regardless of location.

Possible eligible projects may include, but are not limited to: acquisition, development, and construction of separate bicycle and pedestrian facilities on or off road right-of-ways or in relation to transit facilities; constructing new sidewalks to ADA standards in areas where sidewalks currently **do not exist**; widening curb lanes or re-striping to create wider curb lanes and/or bicycle lanes; paving shoulders for bicycle and pedestrian use; providing access to public transit; parking facilities for project use; and installing bicycle lockers at rail stations, bus depots, airports, and other facilities.

Activities **not** eligible for transportation enhancement funding include: the repair of old sidewalks or replacement of old sidewalks with new and required curb ramps; and the use of funding to comply with ADA standards on existing sidewalks and pathways; and recreational loops around ballfields, parks, lakes or other public areas.

2. Acquisition of Scenic Easements and Scenic or Historic Sites

Projects in this category include the use of funds for purchase, donation, transfer or trade of land that possesses significant aesthetic, natural, visual or open space values, including acquisition of lands and any property listed in or eligible for listing in the National Register of Historic Places. Contact with the State Historic Preservation Officer will be necessary to confirm status.

Funds may be used for planning and transaction costs including appraisals, surveys, legal costs or purchase costs. Funds may only be used where the applicant agrees to enforce appropriate mechanisms to preserve the significant scenic and historic values.

Possible projects could include: acquisition of a scenic easement, scenic site or historic site that enhances the transportation experience as part of the transportation system; and acquisition of a historic bridge, transportation terminal, or land around a historic site adjacent to a scenic highway.

3. Scenic or Historic Highway Programs Including the Provision of Tourist and Welcome Center Facilities

This category includes funding for the protection and enhancement of state or federally designated scenic or historical highways. Funds may be used only for projects that will protect and enhance the scenic, historical, cultural, natural and archeological integrity and visitor appreciation of an existing highway and adjacent area. Funds may also be used for the planning, design and development of new state scenic byway programs. If you are interested in applying for "Scenic Byway" designation, please contact the Customer Service Center at (888) ASK-MODOT.

Examples of projects include: interpretive plaques; restoration of historic lighting standards; historic aesthetic treatment on retaining walls and guardrails; and aesthetically pleasing bridge rails for use on scenic highways or in areas of high visual sensitivity.

Projects that are **not** eligible include: construction of safety rest areas; additional lanes; construction of new scenic or historic highways; and lighting that does not have historic impact.

4. Landscaping and Other Scenic Beautification

This category includes landscape planning, design and construction projects that enhance the aesthetic or ecological resources along highways, other transportation corridors, points of access, and lands in proximity to other transportation enhancement projects.

Projects which enhance the attractiveness of a transportation facility include planning, design and construction of scenic vistas and overlooks, restoration of historic landscapes, and construction of landscapes which are compatible with their surroundings. Projects which enhance the ecological balance along a transportation corridor include planning, testing and planting for restoration, or reintroduction of native plant communities and appropriate adaptive species. Activities associated with interpreting sites and providing information about the programs through which resources are preserved are also eligible for enhancement funding.

Examples of projects include: moving trees outside of clear zones and into more attractive, safer locations; retrofitting existing noise barriers with landscaping; replacement of a utilitarian bridge with another of appropriate architectural qualities in a setting which calls for more than a utilitarian design; roadside ecological viewing areas; development of aesthetically pleasing bridge rails; entrance/exit plantings to communities; and under grounding overhead utilities.

Funds should **not** be used for: routine, incidental or maintenance activities such as grass cutting; tree pruning and removal; soil stabilization; construction of noise barriers; drainage improvement; and post-construction finish work, such as replanting and reseeded. Seeding and planting vegetation for erosion control should not constitute an eligible landscaping enhancement project.

For landscaping projects that fall within state right-of-way, it is necessary to contact/consult the district office to eliminate difficulties arising from planting locations and species.

5. Historic Preservation

Projects within this category should enhance the transportation system by improving the ability of the public to appreciate the historic significance of the project itself or the area to be served by the project. Projects must relate to the intermodal transportation system by function, proximity, or impact to be eligible for funding.

Work under this category includes identification, evaluation, documentation, acquisition, protection, management, rehabilitation, interpretation, restoration, stabilization, and maintenance of any historic district, site, structure, object, or landscape. To be eligible for funding, the property or structure in question must be included in or eligible for inclusion on the National Register of Historic Places. Please contact the Missouri State Historic Preservation Officer to confirm historic status and project eligibility.

All projects must follow historic preservation principles. Any rehabilitation or restoration work must meet the *Secretary of the Interior's Standards and Guidelines for Rehabilitation*. A copy of this publication is available from the Historic Preservation Program at the Missouri Department of Natural Resources.

6. Rehabilitation and Operation of Historic Transportation Buildings, Structures or Facilities Including Historic Railroad Facilities and Canals

Historic transportation buildings are buildings or related structures associated with the operation, use, construction, or maintenance of any mode of transportation. Structures and facilities include: tunnels, bridges, trestles, embankments, rails or other guideway, non-operational vehicles, canal viaducts, tow paths and locks, stations, and other manmade transportation features related to the operation, use, construction, or maintenance of any mode of transportation.

To be eligible for funding, the property or structure in question must be included in or be eligible for inclusion in the National Register of Historic Places. Please contact the Missouri State Historic Preservation Officer to confirm historical status and project eligibility.

Rehabilitation means the process of returning the property to a state which makes possible a contemporary use while preserving the significant historic features of that property. Operation means the provision of access and service in a manner related to both the continuation of a contemporary transportation or non-transportation use consistent with the historic character of the property and open to the general public on a not-for-profit basis.

7. Preservation of Abandoned Railway Corridors Including Conversion and Use for Pedestrian and Bicycle Trails

Rail corridors are transportation corridors of varying width in which rail tracks exist or have existed in the past. Abandoned railway corridors are rail corridors which have been authorized for abandonment by the Interstate Commerce Commission, or rail corridors for which abandonment proceedings are pending before the ICC, or rail corridors which have been set aside for future transportation use under any applicable federal or state authority.

The preservation of abandoned railway corridors includes: the planning; acquisition; rehabilitation; and development of corridors for public uses including bicycle and pedestrian use. It permits the development and rehabilitation of privately owned rail corridors open to the general public on a not-for-profit basis.

8. Control and Removal of Outdoor Advertising

Expenditures made to remove existing signs, displays, and devices shall be made according to a legal process that bases payment on an equitable appraisal. Priority should be given to the removal of outdoor advertising signs, displays, and devices on designated scenic roads or in areas where local or state laws or ordinances ban new billboards, and/or in conjunction with other transportation enhancement projects.

In using funds under this category, additional resources may be used to ensure that new outdoor advertising signs, displays, and devices are permitted only in areas actually used for commercial and industrial purposes, including compilation of an accurate inventory of existing conforming signs.

9. Archaeological Planning and Research

This category includes, but is not limited to: research on sites eligible for transportation enhancement funds; experimental projects in archaeological site preservation and interpretation; planning to improve identification, evaluation, and treatment of archaeological sites; problem-oriented synthesis using data derived from though not limited to transportation-related archaeological projects; development of national and regional research designs to guide future

surveys; data recovery and synthetic research; and projects having similar purposes carried out in partnership with other federal, state, local and tribal government agencies and non-governmental organizations.

Expenditures should be used for research or interpretation of sites associated with transportation facilities, and for excavations.

10. Mitigation of Water Pollution due to Highway Runoff

This category is limited to facilities and programs minimizing pollution from storm water run-off from transportation facilities that are in addition to current requirements and procedures for such mitigation. Projects that are part of mitigation requirements mandated by the Missouri Department of Natural Resources or the Federal Highway Administration (FHWA) are not eligible to receive enhancement funding. Any mitigation efforts funded with enhancement moneys must be above and beyond the federal mandates. Projects that demonstrate aesthetic and ecological methods for mitigation and that enhance recharge are eligible. Rip-rapping as an independent project is **not** an eligible activity.

The efforts some states have made to reduce vehicle-caused wildlife mortality are also recognized in this category of eligible enhancement activities. Enhancement funds may be used to construct animal under crossings to guide animals to safe roadway crossing areas to reduce the animal death rate.

11. Establishment of Transportation Museums

This category allows transportation enhancement funds to construct and/or establish transportation museums for use of the general public. These museums may include, but are not limited to those highlighting waterway facilities including historic ships and vessels, railroad depots, locomotives, air travel and other related transportation facilities.

PROJECT FUNDING ALLOWANCES

Up to 80 percent of a transportation enhancement project can be financed with Federal Highway Administration (FHWA) STP funds. The applicant is required to match the project with at least 20 percent of the total cost, with a higher priority given to those who contribute more than 20 percent. Listed below are rules governing some types of local match. These rules do allow for some flexibility. Please contact MoDOT for clarification if one of the following may apply.

1. "Soft match" is defined as credits from previous jobs, and **cannot** be used as part of the local match.
2. Fair market value of privately owned right-of-way donations made after April 1987 may be counted towards a local matching share on all title 23 projects. This donation credit must be applied to the federal-aid project related to and requiring the donated land. Appraisal will be required to confirm "fair market-value." MoDOT must review appraisal prior to approval and can be accomplished at the district level in the Right of Way division.

3. FHWA will now allow other federal agencies to use their own federal funds to match federal transportation enhancement funds. .
4. Force Account and Public in-kind labor and materials are considered an eligible expense that is applied to the total cost of the project and must also be matched by the applicant on an 80-20 basis. When a local government uses their own labor forces or materials in stock to accomplish the enhancement work, it is considered force account or public in-kind services.
5. Donated funding (private cash donations), materials, services and labor are all considered eligible as part or all of the local match. According to the NHS bill passed in November 1995 (SEC. 322. Donations of Funds, Materials, or Services for Federally Assisted Projects), private funding, materials, and services are all allowed under the enhancement funds program. Section 323 of title 23, United States Code, was amended to allow for donated funding.

The federal-aid transportation program operates on a **reimbursement** basis as work progresses. This is **not** a "GRANT" program. It is a federal reimbursement program, meaning the local government or agency will be reimbursed minus their matching percentage after the Missouri Department of Transportation receives proper proof of payment by the local agency to the contractor for work performed. Federal law requires that each project be administered as a traditional federally funded highway project. This requires that each typical work phase, including right-of-way, utility adjustments, environmental clearances, design, construction, and construction engineering follow federal guidelines in their implementation.

In no case will costs be eligible for reimbursement unless prior approval is granted by the Federal Highway Administration. If funds are approved, they will be distributed through the jurisdiction or agency endorsing the project. If the applicant decides not to complete a project, or if the project is removed from the program, MoDOT can and will request reimbursement for all expenditures. Jurisdictions or public agencies formally endorsing an enhancement project will be responsible for cost overruns. Applicants will be reimbursed for eligible costs after the project is satisfactorily completed, or periodically reimbursed based on the project's progress.

ALLOWED PROJECT COSTS

1. Right-of-way acquisition costs - including condemnations.
2. Design/Preliminary Engineering costs- limited to 10 percent of the total project cost estimates submitted with the application.
3. Utility relocation costs.
4. Materials costs.
5. Construction and/or labor costs.
6. Construction Engineering costs - Limited to 5 percent of the total construction cost estimates submitted with the application.
7. Contingencies - Limited to 10 percent of the total construction cost based on the estimates provided with the application.

Note: The limits set forth above will not be subject to change, so please be very careful in the preparation of your cost estimates for the proposed project. It is recommended that each applicant consult with an engineer on staff or an outside professional in preparing estimates. Any cost overruns incurred with any of the above items will be at the cost of the project sponsor and will not be reimbursable by the Federal Highway Administration (FHWA).

THE APPLICATION PROCESS

Application forms and selection criteria are located within the transportation enhancement project brochure and are also available at all MoDOT district offices and the Support Center in Jefferson City. Completed applications must be sent to your respective MoDOT district office on or before the close of business on the designated date. If your project is located within any of the six Missouri Metropolitan Planning Organization (MPO) boundaries, a duplicate application must be sent by the applicant to the MPO as well. Each MPO will then review all applications received and forward their recommendations to the Transportation Enhancement Selection Committee chairman.

The six MPOs within the state are the Mid-America Regional Council (Kansas City area), East-West Gateway Coordinating Council (St. Louis area), St. Joseph, Columbia, Springfield, and Joplin. If the local government or the project boundaries are located within the boundaries of a MPO, the project must be included on the MPOs' Transportation Improvement Program (TIP) before it can be constructed. After the Missouri Highways and Transportation Commission approves a project that falls within the MPO boundary, the MPO will be notified by MoDOT staff to add the project to their TIP.

A district outline map is provided within the Missouri Road And Bridge Section of this Statewide Transportation Improvement Program (STIP). The addresses of each MoDOT district office and all six MPOs are given in the Metropolitan Transportation Improvement Program section of this STIP. The deadline for completed applications will be September of each remaining year. Notification to the project sponsor will occur after Missouri Highways and Transportation Commission approves submitted projects. The project application process is as follows:

1. Submit application to appropriate authorities by due date.
2. Application reviewed by the district for right-of-way, landscaping, and future development conflicts as well as project eligibility.
3. Review of application by a Metropolitan Planning Organization (MPO) when project is within the MPO boundary.
4. Evaluate project applications and score by the multi-agency selection committee regardless of their location in the state if the project is eligible. In the MPO areas in Districts 4 and 6, all projects will be evaluated for eligibility and cost issues by the selection committee.
5. If the funding is available and the project scores above the required minimum, the project will be recommended for approval by the Missouri Highways and Transportation Commission (MHTC).
6. The MHTC will approve/deny the request for project funding.
7. The project sponsor is notified of project status (approved/denied).

SELECTION CRITERIA FOR PROJECTS

If an application qualifies, it will be rated by the multi-agency Selection Committee. If the project is selected, it will be presented to the Missouri Highways and Transportation Commission for approval. All applications will be acknowledged and applicants will be advised of their application's status. The following criteria must be satisfied for the application to receive consideration:

- Meets at least one of the 11 enhancement categories
- Has a direct relationship to the intermodal transportation system in terms of function, proximity, or impact
- Open for public access in perpetuity, publicly owned land/property or permanent lease
- Local match of at least 20 percent of the total project cost
- Submitted by a local government or public agency
- Project is over and above normal transportation practice
- Project must meet a minimum score that is assigned by the selection committee
- Minimum project size of \$25,000 in federal funds
- Photographs are required when making application for funds. These photos will assist the selection committee in gaining a better perspective on the prospective project
- Binders and cover sheets of any kind are not acceptable. The application, and necessary attachments must be submitted in an 8-1/2" X 11" stapled format only

Projects which meet the above criteria will be forwarded to the selection committee for evaluation. Submitted projects will be evaluated by the following criteria, not listed in any particular order:

- **Detailed, complete** and **realistic** project cost estimates
- Number of federal enhancement categories
- Clear and adequate project description
- Benefits resulting from the project (population benefiting)
- Linking more than one mode of transportation or beautifying the system
- Ability of sponsor to maintain project
- Matching funds in excess of minimum required
- Conservation and preservation of the environment and/or cultural resources
- Benefits to the area in terms of air quality, safety and reduction and maintenance of current traffic volumes and congestion
- How the project benefits the area in terms of tourism and/or economic development
- Past experience in implementation of similar projects
- Project is part of an adopted existing plan
- Project shows new and innovative approaches to enhancing the transportation system
- Project has local support and/or creates new partnerships

PROJECT MAINTENANCE OBLIGATION

Each applicant must maintain or cause to be maintained the safety and aesthetics of the project. The Missouri Department of Transportation retains the right to remove a project that is not maintained if it is located on state road right-of-way. Projects involving tree and shrub plantings on MoDOT right-of-way will be the responsibility of local governments or state agencies until all conditions set out in the contract pertaining to planting warranty, growth of the plants, species, etc., have been met. Special mowing provisions may be issued to the project sponsor regarding median mowing around new plantings resulting from project implementation of transportation enhancement funds. Coordination with the district office is necessary when the project is on MoDOT right-of-way.

ENVIRONMENTAL & CULTURAL CONSIDERATIONS

All applications selected for funding will be reviewed for their potential impact to the environment including biological, physical, and cultural resources. All federally funded enhancement projects must conform to the requirements of the National Environmental Policy Act (NEPA), the National Historic Preservation Act (Section 106), and the U.S. Department of Transportation (DOT) Act [Section 4(f)]. These laws ensure that the environment is both protected and enhanced. **All construction costs for any work done prior to NEPA, Section 106, and Section 4(f) approvals will not be reimbursed.** Costs incurred for consultant work is reimbursable provided the consultant has been previously approved by MoDOT.

NEPA is a federal law which requires that federal agencies consider natural and socio-economic factors using a systematic interdisciplinary approach before committing to a project. Section 106 provides for the protection, rehabilitation, restoration and reconstruction of historic sites and objects significant in American architecture, archeology and culture. The Advisory Council on Historic Preservation (ACHP) has established procedures to be followed if a federal action impacts significant historic sites. Section 4(f) provides special protection for publicly owned public parks and recreation areas, wildlife and waterfowl refuges and significant historic sites. FHWA **cannot** approve a project that uses land from a Section 4(f) resource unless it demonstrates that there is no feasible and prudent alternative to the use of the resource and that all possible planning has been done to minimize harm to the property.

Addressing these issues could affect the eligibility of a project, require regulatory involvement by other governmental agencies and significantly increase the costs to the project sponsor. Depending on the nature, scale, and location of a proposed project, applicants may be required to supply additional information, maps, or photographs to various federal and state regulatory agencies for their review. Regulatory agencies involved may include the Federal Highway Administration, Federal Emergency Management Agency, Missouri Department of Natural Resources, U.S. Army Corps of Engineers, U.S. Department of the Interior, and the Missouri Department of Conservation. **Approval by all agencies involved will be required for the project to be funded. All the above actions require a great deal of time and demand that the project sponsor respond to the task of obtaining federal clearances in a timely fashion in order for the project to proceed on schedule.**

PROGRAM MISCONCEPTIONS

- This program is **not** a "grant" program. This program operates on a **reimbursement** basis as work progresses.
- There are many federal regulations and it takes several months to reach the construction phase (typically 18-30 months).
- Any work done prior to federal-aid approval will not be reimbursed.